

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 62226 - PP	IMPORTANT DECLARATION	Date of mailing(day/month/year) 16/09/2004
International application No. PCT/US2004/010608	International filing date(day/month/year) 08/04/2004	(Earliest) Priority date(day/month/year) 15/04/2003
International Patent Classification (IPC) or both national classification and IPC C01B 3/00, B01J19/08D2, B01J9/12D		
Applicant BLACKLIGHT POWER, INC.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below


1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
☒ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.
 ☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

SEE FURTHER INFORMATION CONTINUED FROM PCT/ISA/203

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Alex Schmidt
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

The present application is directed to a plasma reactor for generating power and novel hydrogen species, a compound produced in the reactor and a method for producing lower-energy-hydrogen species and compounds.

In the description, the novel hydrogen species are described as hydrinos. On pages 11-17, they are described by their binding energy. Mathematical relationships for the binding energy are presented. A lot of theory about these hydrinos is presented. Thereafter a whole range of reactors is presented which are allegedly useful in making these novel hydrogen species. Hardly any reaction conditions are given and for the few where conditions are given, only very broad conditions are indicated that would be considered usual for the types of reactors described. No specific features describing the apparatus are indicated. No example is given of the production of the novel hydrogen species. It is therefore unclear what the technical features of reactor are that make it suitable for making the novel hydrogen species. The invention is, therefore, not disclosed in a manner sufficiently clear and complete to be carried out by a person skilled in the art, contrary to Article 5 PCT. The said lack of disclosure is to such an extent that a meaningful search is not possible.

Furthermore, in view of the large number and also the wording of the claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible. Consequently, no search report can be established for the present application.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.